

AMENDED IN SENATE APRIL 13, 2010

SENATE BILL

No. 1265

Introduced by Senator Dutton

(Principal coauthor: Assembly Member Emmerson)

February 19, 2010

An act to amend Section 4360 of the Welfare and Institutions Code, relating to judicially committed patients.

LEGISLATIVE COUNSEL'S DIGEST

SB 1265, as amended, Dutton. Forensic Conditional Release Program.

Existing law provides that the State Department of Mental Health shall provide mental health treatment and supervision in the community for judicially committed persons, as specified. Existing law provides that the department may provide these services directly or through contract with private providers or counties, including administrative and ancillary services related to the provision of direct services. Existing law provides that the program established and administered by the department to provide services pursuant to this authority shall be known as the Forensic Conditional Release Program.

This bill would authorize programs providing services pursuant to this provision to inform local enforcement agencies of *the names and addresses of* program participants in the law enforcement agency's jurisdiction. ~~The bill would limit the number of program participants residing in independent group living program facilities to no more than 3. The bill would prohibit program participants from residing within 2,000 feet of any public or private school. The bill would require that independent living program facilities house only one program participant per room.~~ *The bill would specify that providing this notice does not relieve a person or entity of any statutory duty.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4360 of the Welfare and Institutions Code
2 is amended to read:

3 4360. (a) The department shall provide mental health treatment
4 and supervision in the community for judicially committed persons.
5 The program established and administered by the department under
6 this chapter to provide these services shall be known as the
7 Forensic Conditional Release Program and may be used by the
8 department in accordance with this section to provide services in
9 the community to other patient populations for which the
10 department has direct responsibility.

11 (b) The department may provide directly, or through contract
12 with private providers or counties, for these services, including
13 administrative and ancillary services related to the provision of
14 direct services. These contracts shall be exempt from the
15 requirements contained in the Public Contract Code and the State
16 Administrative Manual, and from approval by the Department of
17 General Services. Subject to approval by the department, a county
18 or private provider under contract to the department to provide
19 these services may subcontract with private providers for those
20 services.

21 (c) Notwithstanding Section 5328, programs providing services
22 pursuant to this section may inform local law enforcement agencies
23 of *the names and addresses of* program participants who reside
24 within that agency's jurisdiction. *Providing notice under this*
25 *subdivision does not relieve a person or entity of any statutory*
26 *duty.*

27 ~~(d) All of the following shall apply to the Forensic Conditional~~
28 ~~Release Program:~~

29 ~~(1) The number of program participants residing in independent~~
30 ~~group living program facilities shall be no more than three.~~

31 ~~(2) Independent group living program facilities shall only house~~
32 ~~one program participant per room.~~

- 1 ~~(3) Program participants shall be prohibited from residing within~~
- 2 ~~2,000 feet of any public or private school.~~

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